

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
FEBRUARY 11, 2014**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

**SALUTE TO THE FLAG**

**ROLL CALL**

|                   |                      |
|-------------------|----------------------|
| Mayor             | Ronald Dobies        |
| Council President | Sean Kaplan          |
|                   | Kevin Dotey (absent) |
|                   | Stephen Greco        |
|                   | Patricia Jenkins     |
|                   | Bob Schueler         |
|                   | Michele Tackach      |

Attorney: Aravind Aithal

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**PROCLAMATIONS**

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**APPOINTMENT**

- A. Council President Kaplan moved the approval of Joe Waide as the Zoning Board Alternate 1 seconded by Councilman Schueler and carried by a unanimous vote of Council.

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**PRESENTATIONS**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1846-14 by title for introduction.

**BOROUGH OF MIDDLESEX  
ORDINANCE NO. 1846-14**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY  
OF MIDDLESEX, NEW JERSEY, CHAPTER 248,**

**LAND DEVELOPMENT**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

**SECTION ONE.** The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**§ 248-4 Definitions.**

For the purposes of this chapter, the terms used herein are defined as follows:

ADMINISTRATIVE OFFICER: The Zoning Officer of the Borough of Middlesex

**§ 248-6 Filing of sketch plan and preliminary or final site plan.**

**A. General procedures.**

(1) Sketch plats and preliminary and final site plans, together with an application, shall be filed with the Planning Board Secretary of the Borough of Middlesex. At the time of filing the application, the developer shall pay all fees and submit three copies of applications, maps and other documents as required by this chapter and the Board's rules and regulations.

(2) The Administrative Officer, designated as the control person, shall review the sketch plat and preliminary or final site plan application, which are filed, with the assistance of the Board Engineer and the Board Planner to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall notify the developer that the application is complete and of the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Planning Board.

**§ 248-7 Preliminary and final subdivision plans.**

A. Preliminary and final subdivision plans, together with an application, shall be filed with the Planning Board Secretary of the Borough of Middlesex. At the time of filing the application, the developer shall pay all fees and submit three copies of applications, maps and other documents as required by this chapter.

B. The Administrative Officer, designated as the control person, shall review the sketch plat and preliminary or final site plan application, which are filed, with the assistance of the Board Engineer and the Board Planner to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall notify

the developer that the application is complete and of the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Planning Board.

**§ 248-9 Submission of final plat or final site plan for major subdivisions.**

A. The final plat shall be submitted to the Planning Board Secretary for final approval within three years from the date of preliminary approval. The Planning Board shall act upon the completed application for final plat within 45 days after the date of submission for final approval, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

**§ 248-15 Details of preliminary and final site plans.**

A site plan, as herein required, shall be submitted in 18 copies to the Planning Board Secretary. The preliminary and final site plans shall be drawn, show or be accompanied by the following:

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Councilman Schueler made a motion for introduction seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1847-14 by title for introduction.

**BOROUGH OF MIDDLESEX  
ORDINANCE NO. 1847-14**

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE  
OF NEW JERSEY AMENDING CERTAIN AREAS AND THE ZONING MAP**

**WHEREAS**, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

**SECTION ONE.** A portion of the Zoning Map of the Borough of Middlesex, Middlesex County, New Jersey dated October 22, 2012 is hereby amended as follows:

1. Block 262 Lots 16, 39, & 42 of the Tax Map of the Borough of Middlesex shall be zoned R-60B Single & Two Family Dwelling.

**SECTION TWO.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION THREE.** This Ordinance may be renumbered for codification purposes.

**SECTION FOUR.** This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Councilman Schueler made a motion for introduction seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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#### **PUBLIC HEARING-NONE**

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#### **ADOPTION OF MINUTES**

Councilman Schueler moved to table the January 14, 2014 Regular & Executive Meeting Minutes seconded by Councilman Greco and carried by a unanimous vote of Council.

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#### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report
  - A. Councilman Kaplan stated that for the last three weeks they have sat down as a Committee and reviewed the budget. Cuts have been made and they are moving forward on the budget.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Greco attended the Recreation Commission Meeting and updated Council on their report which included the upcoming programs to be held by the Recreation Department and status on Park fees.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Dotey was absent
4. Public Works/Parks/Sanitation/Recycling
  - A. Councilman Schueler discussed the DPW report and updated Council on the snow removal report.
5. Police/Legal/Code Enforcement/Municipal Court
  - A. Councilwoman Jenkins moved the approval of the 2013 Annual Police Report seconded by Councilman Greco and carried by a unanimous vote of Council.

- B. Councilwoman Jenkins reported that the Police Chief has made three offers of employment and anticipate at least two officers to be sworn in at the March 11, 2014 Meeting. Also, the Police Department will be celebrating their 75<sup>th</sup> Anniversary and a Proclamation will be done at the March 11, 2014 Regular Meeting.
  - C. Police Chief reported that the Parker School Loop is working well.
6. Administration/Department of Senior Services/Legislation/Licensing
- A. Councilwoman Tackach updated Council on the Clerk's Department Report for month of January, 2013.
  - B. HUD Funds – Approval for Benches on Mountain Avenue – Councilwoman Tackach advised the Council of the location that the HUD Committee would like to install benches on Mountain Avenue. DPW will install these benches and be sure not to block sidewalks.

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## REPORTS

### Mayor

- 1. Administrator and CFO Position Status – Committee will be interviewing two candidates for Administrator in the next week. CFO position is dependant on Administrator.
- 2. Borough Council Reports 2013 & 2014 – Borough Council will be reporting monthly on their respective Departments.
- 3. Mayor Dobies received a Grant Application for the Fire Department and is presently working on it for radios for each truck to connect to the County.
- 4. Councilman Schueler recognized Steve Yacik for his contribution in discussing facts about Lincoln with the children at the Lincoln Day Celebration.

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The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

### **Consent Agenda 2014(d)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from this Consent Agenda.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #58-14 - Resolution #66-14

Councilwoman Jenkins made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #58-14**

**WHEREAS**, Beechwood Heights Fire Company No. 2 has requested to hold fund raising within the borough of Middlesex by conducting two coin tosses within the borough at the intersections of Route 28 and Greenbrook Road; and

**WHEREAS**, Beechwood Heights Fire Company No. 2 would like to conduct these coin tosses on June 7, 2014 (Alternate Date June 14, 2014) and October 18, 2014 (Alternate Date October 25, 2014) from 9 a.m. – 1 p.m.; and

**WHEREAS**, Beechwood Heights Fire Company No. 2 has met all of the criteria required in Middlesex Borough Ordinance No. 1747-09, with the exception of the approval of the New Jersey Department of Transportation.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex that:

1. The Governing Body hereby approves Beechwood Heights Fire Company No. 2 conduct coin tosses on June 7, 2014 (Alternate Date June 14, 2014), and October 18, 2014 (Alternate Date October 25, 2014) from 9 a.m. – 1 p.m. at the above locations, pending receipt of approval from the New Jersey Department of Transportation.
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #59-14**

**WHEREAS**, Middlesex County has entered into a contract with a paint recycling/disposal vendor to provide for the removal and recycling/disposal of paint and paint related products; and

**WHEREAS**, the Borough of Middlesex desires to continue to be included in this paint drop-off program; and

**WHEREAS**, in order to continue with this program it is necessary for the Mayor and Borough to execute the Inter-local Service Agreement with Middlesex County.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Mayor and Borough Clerk are hereby authorized to execute the renewal of the Paint Collection Program Inter-local Service Agreement with Middlesex County which will commence on January 1, 2014.
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #60-14**

The Tax Collector is hereby authorized to refund an overpayment of 1<sup>st</sup> quarter 2014 property taxes due to an overpayment on the following property:

| <b>BLOCK/LOT</b> | <b>NAME &amp; ADDRESS</b>              | <b>AMOUNT</b> |
|------------------|--|---------------|
| 197/39           | Althausen, Kimberly<br>416 Cook Avenue | \$1,377.97    |

Check is to be made payable to: Core Title  
1300 Route 73, Suite 112  
Mt Laurel, NJ 08054

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #61-14**

**WHEREAS**, on January 1, 2002 Middlesex County (Division of Solid Waste Management) began a new program to partially fund the proper removal of chlorofluorocarbons and other ozone depleting compounds from household appliances; and

**WHEREAS**, the County began providing partial funding for up to a 3 year period to municipalities for each appliance from which CFCs are properly recovered; and

**WHEREAS**, in order to continue in this program the Borough must execute an interlocal service agreement with Middlesex County covering the CFC Recovery Reimbursement Program which will commence on January 1, 2014.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Mayor and Borough Clerk are hereby authorized to execute the renewal of the Interlocal Service Agreement with Middlesex County covering the CFC Recovery Reimbursement Program.
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #62-14**

Authorizing the Mayor and Borough Clerk to execute the Interlocal Service Agreement with the County of Middlesex for the E-waste Subsidy Program for properly recycling consumer electronics effective January 1, 2014.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #63-14**

The Tax Collector is hereby authorized to refund 2013 taxes based on Tax Court of New Jersey judgment on the following property:

| <u>BLOCK/LOT</u> | <u>NAME &amp; ADDRESS</u>       | <u>AMOUNT</u> |
|------------------|---------------------------------|---------------|
| 316/6            | Rosenthal Realty Management LLP | \$3,121.60    |

The check is to be made payable to: Michael I Schneck, Trustee  
301 South Livingston Avenue  
Suite 105  
Livingston, NJ 07039

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:



### **Resolution #64-14**

**WHEREAS**, the State of New Jersey, Division of Local Government Services, requires an annual resolution by Municipalities, that raise school taxes on a school year basis, and have a deferred portion of that levy at the beginning and end of a calendar year, and

**WHEREAS**, in a Municipality whose deferred school taxes increase from year to year, that Municipality is to set forth the reasons and facts for the increases; and

**WHEREAS**, the Deferred School Taxes, for the Borough of Middlesex Board of Education has increased from January 1, 2013 to December 31, 2013 by \$201,712.00

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the reasons for this increase is the levy for the school year July 1, 2013 to June 30, 2014 has increased by \$400,066.00 from the previous school year levy, and

**BE IT FURTHER RESOLVED** that the increase in the deferred school tax amount from January 1, 2014 to December 31, 2014 is beneficial to the financial position of the Borough for 2014; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services, the Borough's Chief Finance Officer and the Borough Auditor.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

### **Resolution #65-14**

The Mayor and Council hereby accept Andrea Corcoran's retirement effective March 1, 2014 and agreed to reimburse her the amount of \$20,744.61 for the following benefits:

|                             |             |
|-----------------------------|-------------|
| 25 Unused Vacation Days     | \$ 6,564.75 |
| 4 Unused Vacation Days 2013 | \$ 1,050.36 |
| 50 Sick Days                | \$13,129.50 |
| Total                       | \$20,744.61 |

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #66-14**

Approving Merari Lizzette Gaud, 1202 Broadway, Rahway, New Jersey as a Municipal Court Clerk for 37 ½ hours per week effective March 24, 2014 at \$29,597.32 per year pending a satisfactory physical and background check.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #67-14**

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Including the following Confirming Orders:

|          |   |           |
|----------|---|-----------|
| PO 55141 | Frank, Ronald M, MD                           | \$ 50.00  |
| PO 55133 | Central Jersey Powder Coat & Fabrication, LLC | \$ 150.00 |

Councilman Schueler made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Greco, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

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**DISCUSSION ON AGENDA WORKSHOP ITEMS**

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**PUBLIC COMMENTS**

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Mayor Dobies opened the Public Portion of the meeting for any comments.

Betty Platten, 4 Hooker Avenue questioned the date on Resolution #58-14.

John Erickson, 209 Second Street discussed (1) The lack of snow plowing and salting on the secondary roads during the smaller snowstorms and (2) Concern of how much was budgeted for snow and how much has been spent.

John Ellery, 701 Lincoln Boulevard mentioned that the business owners have put together a Committee and would like to meet with the Borough Committee and get answers before the March 18, 2014 Meeting.

John Mravcak, 128 Wood Avenue discussed (1) Paying the sewer bill; and (2) Concerned that only a select group of people were billed.

Mayor Dobies appointed Council President Kaplan, Councilwoman Jenkins and Councilman Schueler to the Sewer Committee and advised the Business owners that they must pay their bill, and will be refunded if necessary.

Debra DeVuyst, 73 Ramsey Road requested the chair of the Sewer Committee take minutes for the Public to view.

Mayor Dobies also addressed all questions from the Public.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

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The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

**Resolution 68-14**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Personnel – IT Project Manager
2. DPW Manager

Council President Kaplan made a motion to amend Resolution 68-14 to include Pending Court Action seconded by Councilwoman Jenkins and carried by a unanimous vote of members present.

Council President Kaplan made a motion for approval as amended, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

Council President Kaplan moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

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The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

**Resolution 69-14**

Hiring Ryan Zittel as a salaried IT Project Manager at an annual salary of \$78,000 for 37 ½ hours per week including benefits and the responsibility of the website.

Councilwoman Tackach made a motion for approval, seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Kaplan, Jenkins, Schueler and Tackach. Nos: None. Abstain: None.

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The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

**Resolution 70-14**

Authorizing the Borough Attorney based on information that was received based on allegations made by the Code Enforcer/Zoning Officer, Barrie Palumbo to forward that information to the State Ethics Committee.

Council President Kaplan made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Greco, Kaplan, Jenkins, Schueler and Tackach. Nos: None. Abstain: None.

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**ADJOURNMENT**

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Council President Kaplan made a motion to adjourn the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello  
Borough Clerk